

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: NATIONAL FOOTBALL  
LEAGUE PLAYERS' CONCUSSION  
INJURY LITIGATION

MDL No. 2323

-----  
**This relates to:**

**Plaintiffs' Master Administrative Long-  
Form Complaint and (if applicable)  
Chuck Foreman, et al. v. NFL, USDC,  
EDPA, No. 12-cv-04160**

**CLYDE WERNER**

**SHORT FORM COMPLAINT**

**IN RE: NATIONAL FOOTBALL  
LEAGUE PLAYERS' CONCUSSION  
INJURY LITIGATION**

**JURY TRIAL DEMANDED**

**SHORT FORM COMPLAINT**

1. Plaintiffs, **CLYDE WERNER**, and Plaintiff's Spouse **CONSTANCE JOY WERNER**, bring this civil action as a related action in the matter entitled IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY LITIGATION, MDL No. 2323.

2. Plaintiff and Plaintiff's Spouse are filing this short form complaint as required by this Court's Case Management Order No. 2, filed April 26, 2012.

3. Plaintiff and Plaintiff's Spouse, incorporate by reference the allegations (as designated below) of the Master Administrative Long-Form Complaint, as may be amended, as if fully set forth at length in this Short Form Complaint.

4. NOT APPLICABLE

5. Plaintiff, **CLYDE WERNER**, is a resident and citizen of Gig Harbor, Washington and claims damages as set forth below.

6. Plaintiff's spouse, **CONSTANCE JOY WERNER**, is a resident and citizen of Gig Harbor, Washington, and claims damages as a result of loss of consortium proximately caused by the harm suffered by her Plaintiff husband.

7. On information and belief, the Plaintiff sustained repetitive, traumatic sub-concussive and/or concussive head impacts during NFL games and/or practices. On information and belief, Plaintiff suffers from symptoms of brain injury caused by the repetitive, traumatic sub-concussive and/or concussive head impacts the Plaintiff sustained during NFL games and/or practices. On information and belief, the Plaintiff's symptoms arise from injuries that are latent and have developed and continue to develop over time.

8. The original complaint by Plaintiff(s) in this matter was filed in United States District Court, Eastern District of Pennsylvania.

9. Plaintiff claims damages as a result of [check all that apply]:

  X   Injury to Herself/Himself

  X   Injury to the Person Represented

     Wrongful Death

     Survivorship Action

  X   Economic Loss

     Loss of Services

\_\_\_ Loss of Consortium

10. As a result of the injuries to her husband, **CLYDE WERNER**, Plaintiff's Spouse, **CONSTANCE JOY WERNER**, suffers from a loss of consortium, including the following injuries:

  X   loss of marital services;

  X   loss of companionship, affection or society;

  X   loss of support; and

  X   monetary losses in the form of unreimbursed costs she has had to expend for the health care and personal care of her husband.

11.   X   Plaintiff and Plaintiff's Spouse, reserve the right to object to federal jurisdiction.

#### **DEFENDANTS**

12. Plaintiff and Plaintiff's Spouse, bring this case against the following Defendants in this action [check all that apply]:

  X   National Football League

  X   NFL Properties, LLC

\_\_\_ Riddell, Inc.

\_\_\_ All American Sports, Inc. (d/b/a Riddell Sports Group, Inc.)

- \_\_\_ Riddell Sports Group, Inc.
- \_\_\_ Easton-Bell Sports, Inc.
- \_\_\_ Easton-Bell Sports, LLC
- \_\_\_ EB Sports Corporation
- \_\_\_ RBG Holdings Corporation

13. NOT APPLICABLE

14. NOT APPLICABLE

15. Plaintiff played in X the National Football League (“NFL”) and/or in \_\_\_\_\_ the American Football League (“AFL”) during 1970-77 for the following teams:

Kansas City Chiefs

### **CAUSES OF ACTION**

16. Plaintiff herein adopts by reference the following Counts of the Master Administrative Long-Form Complaint, along with the factual allegations incorporated by reference in those Counts [check all that apply]:

- X Count I (Action for Declaratory Relief – Liability (Against the NFL))
- X Count II (Medical Monitoring (Against the NFL))
- \_\_\_ Count III (Wrongful Death and Survival Actions (Against the NFL))

- X   Count IV (Fraudulent Concealment (Against the NFL))
- X   Count V (Fraud (Against the NFL))
- X   Count VI (Negligent Misrepresentation (Against the NFL))
- X   Count VII (Negligence Pre-1968 (Against the NFL))
- X   Count VIII (Negligence Post-1968 (Against the NFL))
- X   Count IX (Negligence 1987-1993 (Against the NFL))
- X   Count X (Negligence Post-1994 (Against the NFL))
- X   Count XI (Loss of Consortium (Against the NFL))
- X   Count XII (Negligent Hiring (Against the NFL))
- X   Count XIII (Negligent Retention (Against the NFL))
- Count XIV (Strict Liability for Design Defect (Against the Riddell Defendants))
- Count XV (Strict Liability for Manufacturing Defect (Against the Riddell Defendants))
- Count XVI (Failure to Warn (Against the Riddell Defendants))
- Count XVII (Negligence (Against the Riddell Defendants))
- X   Count XVIII (Civil Conspiracy/Fraudulent Concealment (Against All Defendants))

17. Plaintiff asserts the following additional causes of action [write in or attach]:

---

---

---

---

---

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff and Plaintiff's Spouse, pray for judgment as follows:

- A. An award of compensatory damages, the amount of which will be determined at trial;
- B. For punitive and exemplary damages as applicable;
- C. For all applicable statutory damages of the state whose laws will govern this action;
- D. For medical monitoring, whether denominated as damages or in the form of equitable relief;
- E. For an award of attorneys' fees and costs;
- F. An award of prejudgment interest and costs of suit; and
- G. An award of such other and further relief as the Court deems just and proper.

**JURY DEMANDED**

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff(s) hereby demand(s) a trial by jury.

RESPECTFULLY SUBMITTED:

/s/ Gene Locks

Gene Locks, Esquire (PA ID No. 12969)  
Michael B. Leh, Esquire (PA ID No. 42962)  
David D. Langfitt, Esquire (PA ID No. 66588)  
601 Walnut Street, Suite 720 East  
Philadelphia, PA 19106  
215-893-0100 (tel.)  
215-893-3444 (fax)  
[glocks@lockslaw.com](mailto:glocks@lockslaw.com)  
[mleh@lockslaw.com](mailto:mleh@lockslaw.com)  
[dlangfitt@lockslaw.com](mailto:dlangfitt@lockslaw.com)

and

Craig R. Mitnick, Esquire  
Managing Partner  
Mitnick Law Offices  
Thirty-Five Kings Highway East,  
Haddonfield, New Jersey 08033  
856.427.9000 (tel.)  
F. 856.427.0360 (fax)  
[craig@crmtrust.com](mailto:craig@crmtrust.com)

*Attorneys for Plaintiffs*